IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2007

CORAM:

THE HONOURABLE MR. JUSTICE K.MOHAN RAM

Writ Petition No.11438 of 2007 and
Miscellaneous Petition No.1 of 2007

C.Palani .. Petitioner

-Vs-

1. The Assistant Engineer,
Central Electricity Distribution Circle (South),
TNEB, Kundrathur,
Chennai - 600 069.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Kancheepuram. .. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the 1st respondent to give new electricity connection in the name of the petitioner at Old No.7, New No.45C, Thulukatheru, Kundrathur, Chennai - 600 069.

For Petitioner : Mr.G.Palani

For Respondent 1 : Mr.R.Subbiah

For Respondent 2 : Mr.T.Chandrasekaran

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O R D E R

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With consent of the learned counsel on either side, the writ petition itself is taken up for final disposal.

2. Admittedly, the petitioner has put up a superstructure over the land belonging to the second respondent and the petitioner is in possession of the same. The petitioner had applied for new Electricity Service Connection to his premises but the first respondent refused to receive the same stating that the land on

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which the superstructure was in existence belongs to the second respondent. Hence, the first respondent refused to give new electricity service connection in favour of the petitioner. Under such circumstances, the petitioner has filed the above writ petition.

3. In similar circumstances, this Court has passed several orders directing the electricity authorities to provide electricity service connection if the applicant seeking service connection satisfy the conditions contained under Clause 27.04 of the Tamil Nadu Electricity Distribution Code.

4. I have heard Mr.G.Palani, learned counsel appearing for the petitioner, Mr.R.Subbiah, learned counsel appearing for the first respondent and Mr.T.Chandrasekaran, learned counsel appearing for the second respondent.

5. The learned counsel for the respondents are not disputing the legal position. The learned counsel for the Electricity Board submits that if the petitioner satisfy the conditions contained under Clause 27.04 of the Tamil Nadu Electricity Distribution Code, the Board is willing to provide electricity service connection to the petitioner.

6. Whereas the learned counsel for the second respondent submits that the petitioner has arrears of rent and therefore he is not entitled to electricity service connection.

7. Considering the submissions made on either side, this Court is of the view that simply because the petitioner is in arrears of rent it does not mean that the petitioner is not entitled to get electricity service connection. It is open to the second respondent to pursue the legal remedies available for recovery of such arrears of rent, if really there is arrears of rent.

8. The respondents are directed to consider the petitioner's application for electricity service connection in terms of Clause 27.04 of the Tamil Nadu Electricity Distribution Code, subject to the execution of the indemnity bond by the petitioner in the form prescribed by the Electricity Board.

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9. With the above observation, this writ petition is disposed of. Consequently, the connected Miscellaneous petition is also closed. No costs. In case the petitioner satisfies the requirements, the respondents are directed to complete the said exercise within a period of four weeks from the date of receipt of a copy of this order.

Kk

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Assistant Engineer,
   Central Electricity Distribution Circle (South),
   TNEB, Kundrathur, Chennai - 600 069.

2. The Assistant Commissioner,
   Hindu Religious and Charitable Endowment,
   Kancheepuram.

+ one cc to Mr. G. Palani, Advocate sr no. 19858
+ one cc to the Special Government Pleader sr no. 19551

RS(CO)
NM(05.04.07)

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and M.P. No.1 of 2007

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